

APPEAL NO. 022587  
FILED NOVEMBER 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 10, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury and did not have disability. The claimant appealed, basically on sufficiency of the evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Remanded for reconstruction of the record.

The CCH was recorded by audiotape recording and there was no court reporter. The audiotape recording of the hearing was of such poor quality that the conversations and testimony were unintelligible on both sides of audiotape 1. Audiotape 2 was blank on both sides A and B. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. In that we are unable to discern what was being said, we cannot review the claimant's sufficiency of the evidence contentions. Accordingly, we remand this case for such other action which will allow us to review the record.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **BITUMINOUS CASUALTY CORPORATION** and the name and address of its registered agent for service of process is

**GLENN CAMERON  
222 WEST LAS COLINAS BOULEVARD, SUITE 1720  
IRVING, TEXAS 75016-7968.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Margaret L. Turner  
Appeals Judge